

Town of Rockport  
Board of Selectmen  
Thursday, January 9, 2014

A Board of Selectmen meeting was held on Thursday, January 9, 2014 in Conference Room A of Town Hall at 7pm. Present were four selectpersons; the Town Administrator and the Asst. to the Town Administrator; Selectperson Wilkinson was not present.

7:07    Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of December 10, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of December 10, 2013, seconded by Selectperson Sheedy, Vote: 4-0.

Approval of  
12/10/13 Minutes  
As amended  
Motion Approved

Amendments: On page 3, under action list, nomination of Theresa Scatterday, change to reflect that no vote was taken. Page 5, 2<sup>nd</sup> paragraph, change to “define what primarily means if it is left in the regulations”, not left in the lease. Then again several lines down, take out the term lease and replace with regulations.

Approval of Minutes of December 20, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of December 20, 2013, seconded by Selectperson Sheedy, Vote: 4-0.

Approval of  
12/20/13 Minutes  
As amended  
Motion Approved

Amendments: Change the order of the votes pertaining to the Police Dispatcher positions and on page 2, Chairperson Battistelli requested that “dealing with storm related tasks” be added to her comment commending the DPW for their recent hard work.

Selectmen Updates and Liaison Reports: Selectperson Lucas said she had received an e-mail from Faye Anderson over the weekend regarding the Community House management. Faye was asking when the Facilities Manager position would be filled.

Selectmen  
Updates and  
Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite Street, requested permission to speak on the revised FEMA flood maps and the capital improvement committee. He said that Selectperson Murphy had said that the board would be getting regular updates on any changes at the Tool Company. He said Atty. Jamy Madeja had asked to file papers for an amendment to Kaneb’s project. The Conservation Commission decided that they would accept the filing as an amendment to the earlier permit on the property. He said this is for a completely different project. At a meeting last night in Conference Room A, they are asking that the project move forward. They believe they are grandfathered on the standards for the resource areas. T. Arsenian is asking that the Board of Selectmen interfere in the Conservation Commission proceedings; he believes they have made a mistake. Mr. Arsenian said that Alan MacMillan has served on the Conservation Commission for many years and is now living in Annisquam. He said participation on Town Committees require members to be residents of Rockport; he is asking for this to be resolved immediately.

Public Comment  
Period

The Town Administrator said Atty. Goldrosen has been spoken to regarding the Tool Company.

Frederick Tarr, 154 Main Street, said that Mr. MacMillan is temporarily living out of

town. He said he agrees with most of T. Arsenian's position on the amended plan. The original permit calls for owner's to give an easement or arrangement on the two streams on the property. Mr. Tarr questioned the oldest resident of Rockport maintaining the cane; it was mentioned that it has been presented to and currently is being maintained by the oldest Rockport resident. He said he would like to see the town flag displayed in Town Hall.

Fred Frithsen, said he was present to speak on the subject of the election officers being exempt from the ethics test. He said he had spoken to the town clerk and wanted to provide his opinion. He said that ethics is a necessary evil; it applies to officers, board members, etc. He stated that it will be difficult to recruit election officers, many are elderly and most probably don't have computers. Mr. Frithsen said he is hoping that the board will make an exception so that the election workers will not be required to take the test. He stated that every once in a while there were residents, participating on committees, that had to move out of town. They would be told that they had 3-6 months to move back to town. He said there is no exception for elected officials; they must reside in town.

Town  
Administrator's  
Report

Town Administrator's Report: M. Vieira stated that there has been a high rate of success on the ethics training, he thanked the department heads supporting this effort. He stated that town hall has received a copy of what counsel for the applicant did provide. It was stated that the Board of Selectmen hasn't been in touch with the owner. Chairperson Battistelli stated that Alex Stryski now works for MEPA; the Chapter 91 staff person is currently the department head, Ben Lynch. M. Vieira stated that town offices were closed due to the recent snow storm; no major issues took place in town. He said the fire and police stations were fully staffed, and the DPW worked around the clock. Selectperson Murphy mentioned the status of the beacon repair. Selectperson Murphy questioned the town's liability for mariners coming in at night. The Master Building Plan project is moving forward, the selection committee met and DRA Architects out of Waltham was selected. Award letters will be sent and meetings will be scheduled. The Town Administrator said the inter-municipal sewer agreement with Gloucester will be going to the Mayor's office after it is reviewed in Gloucester. M. Vieira said that the Dog Officer's call report was distributed to board members for the period July through Dec.; there were over 150 calls for services. There have been some teachable moments and fines and violation notices have been issued as well. Selectperson Murphy said he was very pleased that during the storm on Sunday afternoon the DPW trucks were clearing Summer Street, Pleasant Street and Jerden's Lane because this had been a concern after the prior storm.

7:25 Action List

Action List

Appointment of Theresa Scatterday to the Economic Development Committee:  
Selectperson Lucas moved that the Board of Selectmen appoint Theresa Scatterday as a member of the Economic Development Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Sheedy, Vote: 3-0. Lana Razdan is in attendance as well. Selectperson Murphy abstained from the vote.

Open Space &  
Recreation  
Committee  
Appointment

Appointment of Matt Cegelis to the Open Space and Recreation Committee:  
Selectperson Sheedy moved that the Board of Selectmen appoint Matt Cegelis as a member of the Open Space and Recreation Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Murphy, Vote: 4-0.

Resignation of Judith Bly: Selectperson Murphy moved that the Board of Selectmen accept the resignation of Judith Bly from the Government and By-law Committee effective immediately, seconded by Selectperson Sheedy, Vote: 4-0.

Resignation of  
Judith Bly  
Motion Approved

Resignation of Stephen Boyd: Selectperson Murphy moved that the Board of Selectmen accept the resignation of Stephen Boyd from the Beautification Committee effective immediately; seconded by Selectperson Sheedy, Vote: 4-0.

Resignation of  
Stephen Boyd  
Motion Approved

Open Special and Annual Town Meeting Warrants: Selectperson Lucas moved that the Selectmen open the April 5, 2014 Special Town Meeting Warrant and the April 5, 2014 Annual Town Meeting Warrant, seconded by Selectperson Murphy, Vote: 4-0. The warrant closes on 2/4/14.

Open Special and  
Annual Town  
Warrants  
Motion Approved

Approval to Deficit Spend for Snow and Ice Removal: Selectperson Sheedy moved that the Board of Selectmen approve expenditures for Snow & Ice removal in excess of appropriations under MGL Chapter 44 §31D and authorize the Director of Public Works to make such expenditures as are necessary, seconded by Selectperson Murphy, Vote: 4-0.

Approval to  
Deficit Spend for  
Snow and Ice  
Removal  
Motion approved

Revised FEMA Flood Maps: Selectperson Murphy moved that the Board of Selectmen accept the revised FEMA Flood Zone maps as they have been redrawn and, further, to appeal to Rockport's federal and state legislators to direct FEMA, in the interest of the greatest public benefit, to assume the cost of additional analysis to allow Rockport to address all other affected areas in town, seconded by Selectperson Sheedy, Vote: 4-0.

Revised FEMA  
Flood Maps  
Motion Approved

T. Arsenian, 95 Granite Street, said you are congratulating yourselves on having the maps revised for those particular areas, which is nice for those residents. He said you're concerned about people getting increases in insurance. He said areas that were left out of it should have been included in the appeal.

The Town Administrator said we had a deadline for the appeal. The engineers decided the key areas that could be appealed by the deadline. Those two areas cost Rockport \$24,000 for the engineers. We are asking FEMA that, because of their faulty assumptions, they should pay for the engineering for the rest of it. There is also another process called LOMR (letter of map revision).

59 High Street Removal from Tax Rolls: Selectperson Wilkinson moved that the Board of Selectmen request the Board of Assessors to remove the parcel at 59 High Street from the property tax rolls effective November 21, 2013 when it was decreed in Massachusetts Land Court to be Town owned property, seconded by Selectperson Sheedy, Vote: 3-0. Selectperson Lucas recused herself, as they are neighbors.

59 High Street  
Removal from Tax  
Rolls  
Motion Approved

Use of Evan's Field on July 5, 2014: Selectperson Lucas moved that the Board of Selectmen approve the use of Evan's Field on July 5, 2014 from 12:00 pm to 11:00 pm for a "Town Reunion" as requested by Jon Cavanaugh on behalf of the Rockport Town Reunion Committee, seconded by Selectperson Murphy, Vote: . No vote taken; more information will be received on this.

Use of Evan's  
Field on 7/5/14  
No vote Taken.

Jon Cavanaugh said he saw something about "you knew you grew up in Gloucester when...", he said he wondered if Rockport could try it. He said he started with 269 names from his friend's list; he had a list of 750 people within three weeks. Someone said we have to have a reunion; there are 1,350 interested people. He said he has heard from individuals going back to the Class of 1962, right through those that are currently still in Rockport High School. They are trying to get all Rockport entertainers to play at

the reunion. Selectperson Murphy said he has some concerns (i.e. Police details, alcohol on public property, etc.) The Town Administrator said only non-profit organizations can be awarded a one day liquor license. They are planning on having tents at the event whether it's rain or shine; music will end at the event at 9pm. Chairperson Battistelli said she is concerned about the condition of the field and making sure it isn't damaged. They will have a deadline for ticket sales so they can predict the number of attendees. No vote was taken tonight pending further investigation. Selectperson Murphy said the applicant shouldn't take the fact that no vote is taking place tonight to mean that there is no interest in this event. He said it sounds like a wonderful idea but that more information is needed.

Ethics Test  
Exemption:  
Election Officers  
Motion Denied

Election Officers Ethics Test Exemption: Selectperson Sheedy moved that the Board of Selectmen exempt the Rockport poll worker positions from the mandatory training and education requirements of the State Ethics Commission, seconded by Selectperson Murphy, Vote: 1-3, Selectperson Lucas in favor.

M. Vieira stated that all temporary/seasonal employees in town have completed the training; volunteers as well. Selectperson Lucas said she wouldn't want to add another level of red tape to discourage them from doing their role. She stated that poll workers are at the top of the list on the mass.gov website as possible exemptions. She doesn't know that it adds value to their position in the town. Selectperson Murphy said maybe folks are apprehensive about computers. It was stated that M. Vieira can work with individuals and small groups to complete the training. It was stated much of the training could be accomplished on paper if that would assist some concerned folks. Pat Brown said this isn't the first time this test has been introduced in town hall. She said there are over 60 election workers; they're civic minded and want to do this job. She believes this is placing an unnecessary burden on these individuals. M. Vieira said they are requiring temporary folks, if they don't take the test now, to take the test before they begin work for the season. Chairperson Battistelli said she would like to reach out to the poll workers and offered her time to do so. She said she is concerned that we're short changing these residents. The Town Clerk said she will direct the poll workers to contact the Board of Selectmen's office. M. Vieira said each department head was furnished with the information; it was their choice how to convey it to their department staff/volunteers. The Town Clerk said she hadn't presented it to her group yet.

Bill Wagner, 147 Granite Street, said he took the exam; it's an education program. He said this is important for anyone who represents the town (volunteers, etc.) and is out there in the public. He said it's not just for them to learn, but so they can see what ethical issues they might encounter.

#### 8:10 Selectmen Briefing

Selectmen Briefing

CIPC and Finance  
Committee

CIP Review with CIPC and Finance Committee: Chairperson Battistelli said the Capital Improvement Planning Committee was established in 2002; she's been on the committee for three years now. She said it was established to plan for the town's capital needs. The membership consists of the Town Administrator, two members of the Board of Selectmen, two Finance Committee members, the Treasurer Collector and Town Accountant. Current membership includes Selectperson Lucas, Chairperson Battistelli, Bill Wagner and June Michaels from the Finance Committee. She said they began meeting in late September; they notified the department heads that they had to develop requests for capital needs and get them, along with justification, to the committee. The requests were classified in four categories, 1-4; the departments were asked to prioritize their needs. She said the committee had to figure out what could be accommodated with the free cash on hand and not wanting to borrow too much long term debt. Classification #1 = Highest priority, essential to allow the town to comply with critical legislative and

government requirements or which will eliminate an obvious hazard, either health or safety of the public , Classification #2 = projects without which a needed service cannot be delivered with quality or dependability, Classification #3 = not mandatory but could save the town money and/or are desirable to a considerable segment of the community, Classification #4 = recommended for postponement because of doubt about their justification, lack of adequate planning or other timing considerations. She said thirty three requests were received totaling \$9.8M from the general fund, nine requests totaled \$538,800 from the water enterprise; four requests were received for the sewer enterprise totaling \$485,400. She said the majority of the priorities identified as #1 and #2 were accommodated. She stated that no classification #4's were approved; some priority #3's were approved. Some of the items requested are: Electronic voting machines \$28,000, Long Beach lot survey \$70,000, IT school security, police cruiser replacement, Phase 2 of the parking meter upgrades, fire department Class A fire pumper truck \$600,000, ambulance replacement \$175,000, Harbor Masters and DPW pilings, school pickup truck replacement, carpet and kitchen equipment replacements, bathroom upgrades and outdoor basketball courts, lockers. DPW's general road improvements \$200,000, \$250,000 Millpond dredging, \$68,000 Old Rockport harbor dredging, \$10,000 drainage in streets, \$50,000 beach management plan, \$50,000 beach rake and tractor, \$150,000 wheel loaders, \$25,000 fuel monitoring equipment, \$16,000 GPS equipment, \$150,000 repaving portion of MBTA lot, \$25,000 radar/speed signs, library technology \$29,000, \$24,337 replace furnace. Some building requests were received: \$12,000 construct cemetery Locust Grove shed, \$20,000 one side of community house painting, \$6.6 DPW facility improvements (design and construction), \$25,000 town hall A/C, and \$800,000 Pigeon Cove Fire station.

Recommended Approved items. Voting machines, Long Beach lot surveys, IT requests, police cruiser and parking meter upgrades, fire dept. pumper truck – (more specifics have been requested on this), Harbor Master, increased pickup truck request for school (now includes plow), carpet replacement (was reduced), kitchen reduced by \$5,000, bathroom upgrades, DPW road improvements \$50,000 was approved, beach management plan not approved, next Tuesday is the Board of Selectmen workshop on the budget. DPW wheel loader, fuel monitoring and GPS equipment, \$25,000 for solar powered radar, both library requests were approved, building community house painting and repairs, town hall A/C. Chairperson Battistelli said \$9.8M was requested and \$1.5M is being initially approved. She said for the General fund the plan is to use free cash of \$328,220 and to borrow \$1,122,000, \$89,660 will come from parking funds.

She said it is generally assumed that what the sewer and water funds need is needed. She said the ambulance was deferred; every five years they have enough to replace one of the two ambulances. This year there was insufficient funds. The account was analyzed and it was determined that ALS services increased, there have been more calls and the costs have gone up for the services.

Toby Arsenian, 95 Granite Street, said the beach management plan, is in addition to sediment transport study for \$75,000 which is not yet completed. He questioned why we are spending more funds on a study when the first one hasn't been completed. Chairperson Battistelli said Beach management is a plan not a study.

## 8:30 Discussion Items

Discussion Items  
  
Public Comments  
on Long Beach  
Rules and  
Regulations

Public Comments on Long Beach Rules & Regulations: The Town Administrator made the changes discussed at the last meeting and changed the format of the regulations from contract language to more of a regulation format.

Ward Talbot had submitted a list of comments; it is being reviewed.

Chairperson Battistelli said under Repairs/Renovations, if a cottage owner is building a new deck, stairs or porch the regulations indicate it would be limited to no more than 20% of the existing bldg., and a restriction was added that it couldn't be built within 10 yards (30 feet) of the seawall. Selectperson Sheedy felt it would be unfair to add this limitation. Board did not add to Regulations, seconded by Selectperson, Vote: 5-0.

Under fire permit; the general regulations having to do with cookouts and outdoor burning. The outside burning policy could be referenced. It was recommended to remove the statement requiring lattice work and remove where it says "nothing in view". Jim Santo, 27 Long Beach, said all the trash barrels have been removed. Ward Talbot, 34 Old County Road, said all the barrels were removed as an experiment. He said the carry in-carry out has worked well. It was agreed it should state that trash bags should be put in sealed containers until it is removed.

The section with not "primarily" for income purposes has been taken out completely. It continues to say commercial use is not permitted.

M. Martinez, 78 Long Beach, asked how these will be enforced. Chairperson Battistelli said if we receive a complaint we can react to that. The regulations have been changed to indicate that motorized vehicles and skateboards are prohibited.

The next step will be to go through the lease and make sure it's in sync with the regulations. The regulations will be finalized on 1/21/14.

#### Other Business/Announcements

9:30 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 4-0.

#### Warrant Signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 1/9/14 in the amounts of \$476,966.14 and \$232,287.19 respectively.

#### Items Signed:

Letter to Sen. Markey, Congressman Tierney and Sen. Warren on FEMA

Entertainment license, Spiran Lodge

Innholder's License, Addison Choate

Lodging House License, Gretchen and Robert Contrino, The Sea Robin

Lodging House License, Eagle House Motel

Common Victualler's License, Rockin' Cupcakes

Common Victualler's, Eliza's Top Dog, Inc.

Used Car Dealer's License, Cape Ann Auto Works